

Kwitny wrote. "Barring a truly astounding new disclosure, one can pretty well accept the Times' word that it wasn't paying him on behalf of the CIA. Kennett Love later explained, rather lamely, perhaps, that he acted as he did out of 'misguided patriotism.'"

Harriet Dorsen, one of Kwitny's attorneys at Lankenau Kovner & Bickford, said that Kwitny's comments on Love's account were "protected opinion" and added, "All Kwitny did was to characterize and draw conclusions from Love's own words. It's really his (Love's) problem. He's the one who wrote the paper."

Love, in an interview, said the heart of the libel was that Kwitny was "saying I lied to my editors and was a covert operator for the CIA in an event on which I was reporting for the New York Times. It's a complete lie and libel."

Love said that he handed out the leaflets announcing the appointment of a new premier "at the request of an embassy official. The AP (Associated Press) had already put it out on the

wire. It was a favor to other correspondents."

As for the episode with the tanks, Love explained that he suggested that they go to Mossadegh's house "in order to restore some order" and "avoid unnecessary killing. The coup was over."

Love added: "If I had had anything to do with the coup, I would've done it more efficiently."

Love's argument about writing hastily to meet a term paper deadline, noting that as a veteran journalist Love had to write under far more pressure-filled conditions.

"He was filing stories. He was expected to do lightning work in the middle of a coup," Kwitny said.

The defense has asked presiding Judge Richard Owen for a summary judgment dismissing Love's libel

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Love said that his use of the word "impromptu" in describing his role with the tanks meant his role was "purely happenstance. There was no way of reporting that to the Times."

He also said that he may have used "hasty phraseology" to describe his actions because his term paper was late.

Kwitny, however, did not buy

claims. The judge has the motion under advisement, but his clerks declined to speculate how long it would be before he issued his decision.

Attorney Dorsen said even if the defense wins dismissal of the libel claims, the copyright claims in the case probably will still go to trial.